

# Exhibit 1

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**Case No.: 22-CV-22538-ALTMAN/Reid**

Dominik Karnas, et al., on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

Mark Cuban, et al.,

Defendants.

---

**DECLARATION OF GRAHAM D. PENNY REGARDING NOTICE PURSUANT  
TO CLASS ACTION FAIRNESS ACT OF 2005**

I, Graham D. Penny, declare as follows:

1. I am an Assistant Director of JND Legal Administration, LLC (“JND”). JND is a legal administration services provider with its headquarters located in Seattle, Washington. This Declaration is based on my personal knowledge as well as upon information provided to me by experienced JND employees.

2. JND was asked to effect notice of the proposed Settlement in the above-captioned action pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1715 (“CAFA”). On May 10, 2024, JND duly sent by Federal Express or U.S. Mail notice of the settlement in the action to the United States Attorney General and the appropriate State officials. An example CAFA notice and list of recipients is attached hereto as **Exhibit A**.

3. JND subsequently confirmed that all of the notices had been delivered. Copies of the delivery reports are attached hereto as **Exhibit B**. As of the date of this Declaration, JND has not received any inquiries or objections from any State or Federal officials.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 22, 2024, at Totowa, New Jersey.

BY: 

\_\_\_\_\_  
GRAHAM D. PENNY

# Exhibit A



May 10, 2024

The Appropriate Federal  
and State Officials Identified  
in Attachment A

**RE: CAFA Notice of Proposed Class Action Settlement**

Dear Sir or Madam:

This Notice is being provided to you in accordance with the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, in respect of Defendants Robert Gronkowski, Victor Oladipo, and Landon Cassill (collectively, "Settling Defendants"). Plaintiffs' Motion for Preliminary Approval of First Tranche of Settlements, Provisional Certification of Proposed Settlement Class, and Approval of the Proposed Schedule was filed with the Court on May 3, 2024. As of the date of this Notice, the Court has not scheduled an approval hearing.

**Case Name:** *Dominik Karnas, et al., v. Mark Cuban, et al.*  
**Case Number:** *1:22-cv-22538-RKA*  
**Jurisdiction:** *United States District Court for the Southern District of Florida  
(Miami Division)*  
**Date Settlement filed  
with Court:** *May 3, 2024*

Copies of all materials filed in the above-named actions are electronically available on the Court's PACER website found at <https://pcl.uscourts.gov>. Additionally, in compliance with 28 U.S.C. § 1715(b), the enclosed CD-ROM contains the following documents filed in the Action:

**01 - Second Amended Complaint.pdf**

[Redacted] Second Amended Class Action Complaint (ECF 186), filed  
October 24, 2023<sup>1</sup>

**02 - Preliminary Approval Motion.pdf**

Plaintiffs' motion for Preliminary Approval of First Tranche of Settlements, Provisional Certification of Proposed Settlement Class, and Approval of the Proposed Schedule (ECF 279), filed May 3, 2024, and attaching:

- 1. Settlement Agreement**
- 2. Declaration of Gina Intrepido-Bowden Regarding Proposed Settlement Notice Plan**
- 3. Class Counsel's Resumes**
- 4. Proposed Long Form Notice**
- 5. Proposed Schedule**
- 6. Proposed Preliminary Approval Order**

---

<sup>1</sup> The original Class Action Complaint and Demand for Jury Trial (ECF 1) and Amended Class Action Complaint and Demand for Jury Trial (ECF 34) are electronically available via PACER. The Settling Defendants were not identified as defendants in the preceding complaints.

It is not possible to provide a breakdown of the Settlement Class in accordance with 28 U.S.C. § 1715 (b)(7) at this time. However, we anticipate that the Settlement Class is sufficiently numerous as to include Class Members potentially residing in all 50 U.S. states, as well as the District of Columbia, and may include Class Members residing in U.S. territories and associated states.

There are no other settlements or agreements made between Counsel for the parties related to the class defined in the proposed settlement, and as of the date of this Notice, no Final Judgment or notice of dismissal has been entered in this case.

If you have any questions regarding the details of the case and settlement, please contact Plaintiffs' Counsel's representative at:

Joseph M. Kaye  
The Moskowitz Law Firm  
P.O. Box 653409  
Miami, FL 33175  
Phone: 305-740-1423  
Fax: 786-298-5737  
Email: Joseph@moskowitz-Law.Com

For questions regarding this Notice, please contact JND at:

JND Class Action Administration  
1100 2nd Ave, Suite 300  
Seattle, WA 98101  
Phone: 800-207-7160

Regards,

JND Legal Administration

Encl.

CAFA Notice - Attachment A - Service List

Merrick Garland  
Office of the U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave NW  
Washington, DC 20529

Treg R. Taylor  
Office of the Attorney General  
1031 W 4th Ave Ste 200  
Anchorage, AK 99501

Steve Marshall  
Attorney General's Office  
501 Washington Ave  
Montgomery, AL 36104

Tim Griffin  
Office of the Attorney General  
323 Center St Ste 200  
Little Rock, AR 69591

Kris Mayes  
Office of the Attorney General  
2005 N Central Ave  
Phoenix, AZ 82078

CAFA Coordinator  
Office of the Attorney General  
Consumer Protection Section  
455 Golden Gate Ave., Ste 11000  
San Francisco, CA 87098

Phil Weiser  
Office of the Attorney General  
Ralph L. Carr Judicial Building  
1300 Broadway, 10th Fl  
Denver, CO 80203

William Tong  
Office of the Attorney General  
165 Capitol Ave  
Hartford, CT 06106

Brian Schwalb  
Office of the Attorney General  
400 6th St NW  
Washington, DC 20001

Kathy Jennings  
Delaware Department of Justice  
Carvel State Office Building  
820 N French Street  
Wilmington, DE 16281

Ashley Moody  
Office of the Attorney General  
State of Florida  
PL-01 The Capitol  
Tallahassee, FL 31349

Chris Carr  
Office of the Attorney General  
40 Capitol Sq SW  
Atlanta, GA 29034

Anne E. Lopez  
Department of the Attorney General  
425 Queen Street  
Honolulu, HI 93910

Brenna Bird  
Office of the Attorney General  
Hoover State Office Building  
1305 E. Walnut Street Rm 109  
Des Moines, IA 50210

Raúl R. Labrador  
Office of the Attorney General  
700 W. Jefferson St, Suite 210  
Boise, ID 83720

Kwame Raoul  
Office of the Attorney General  
Office Services  
115 South LaSalle, 23rd Floor  
Chicago, IL 60603

Todd Rokita  
Office of the Attorney General  
Indiana Government Center South  
302 W Washington St 5th Fl  
Indianapolis, IN 46204

Kris W. Kobach  
Office of the Attorney General  
120 SW 10th Ave 2nd Fl  
Topeka, KS 65015

Russell Coleman  
Office of the Attorney General  
Capitol Building  
700 Capitol Ave Ste 118  
Frankfort, KY 37152

Liz Murrill  
Office of the Attorney General  
1885 N. Third St  
Baton Rouge, LA 70802

CAFA Coordinator  
General Counsel's Office  
Office of Attorney General  
One Ashburton Pl, 20th Floor  
Boston, MA 02108

Anthony G. Brown  
Office of the Attorney General  
200 St. Paul Pl  
Baltimore, MD 21202

Aaron Frey  
Office of the Attorney General  
6 State House Station  
Augusta, ME 04327

Dana Nessel  
Department of Attorney General  
G. Mennen Williams Building, 7th Fl  
525 W Ottawa St  
Lansing, MI 47866

Keith Ellison  
Office of the Attorney General  
445 Minnesota St  
Suite 1400  
St. Paul, MN 52970

Andrew Bailey  
Attorney General's Office  
Supreme Court Building  
207 W High St  
Jefferson City, MO 63585

Lynn Fitch  
Office of the Attorney General  
Walter Sillers Building  
550 High St Ste 1200  
Jackson, MS 39201

Austin Knudsen  
Office of the Attorney General  
Justice Building, Third Fl  
215 N. Sanders  
Helena, MT 55084



Josh Stein  
Attorney General's Office  
114 W Edenton St  
Raleigh, NC 27603

Drew H. Wrigley  
Office of the Attorney General  
State Capitol, 600 E Boulevard Ave  
Dept. 125  
Bismarck, ND 58505

Mike Hilgers  
Attorney General's Office  
2115 State Capitol  
Lincoln, NE 68509

John Formella  
Office of the Attorney General  
NH Department of Justice  
1 Granite Place South  
Concord, NH 03301

Matthew J. Platkin  
Office of the Attorney General  
Richard J. Hughes Justice Complex  
25 Market St 8th Fl, West Wing  
Trenton, NJ 08611

Raúl Torrez  
Office of the Attorney General  
Villagra Building  
408 Galisteo Street  
Santa Fe, NM 87501

Aaron Ford  
Office of the Attorney General  
Old Supreme Court Building  
100 N Carson St  
Carson City, NV 8984

CAFA Coordinator  
Office of the Attorney General  
28 Liberty St 15th Fl  
New York, NY 10005

Dave Yost  
Attorney General's Office  
State Office Tower  
30 E Broad St 14th Fl  
Columbus, OH 39801

Gentner Drummond  
Office of the Attorney General  
313 NE 21st St  
Oklahoma City, OK 69898

Ellen F. Rosenblum  
Oregon Department of Justice  
Justice Building  
1162 Court St NE  
Salem, OR 93205

Michelle Henry  
PA Office of the Attorney General  
Strawberry Square 16th Fl  
Harrisburg, PA 17120

Peter F. Neronha  
Office of the Attorney General  
150 S Main St  
Providence, RI -00004

Alan Wilson  
Office of the Attorney General  
Rembert C. Dennis Bldg  
1000 Assembly St Rm 519  
Columbia, SC 29201

Marty Jackley  
Office of the Attorney General  
1302 E Highway 14 Ste 1  
Pierre, SD 49000

Jonathan Skrmetti  
Office of the Attorney General  
500 Dr Martin L King Jr Blvd  
Nashville, TN 37219

Ken Paxton  
Office of the Attorney General  
300 W. 15th St  
Austin, TX 78701

Sean D. Reyes  
Office of the Attorney General  
Utah State Capitol Complex  
350 North State St Ste 230  
Salt Lake City, UT 84114

Jason S. Miyares  
Office of the Attorney General  
202 N. Ninth St.  
Richmond, VA 23219

Charity R. Clark  
Attorney General's Office  
109 State St.  
Montpelier, VT 04608

Bob Ferguson  
Office of the Attorney General  
1125 Washington St SE  
Olympia, WA 96218

Josh Kaul  
Attorney General's Office  
P.O. Box 7857  
Madison, WI 45850

Patrick Morrissey  
Office of The Attorney General  
State Capitol, 1900 Kanawha Blvd E  
Building 1 Rm E-26  
Charleston, WV 25276

Bridget Hill  
Office of the Attorney General  
109 State Capitol  
200 W 24th St Rm W109  
Cheyenne, WY 78360

Fainu'ulelei Falefatu Ala'ilima-Utu  
Department of Legal Affairs  
Exec Ofc Bldg, 3rd Fl  
P.O. Box 7  
Utulei, AS 96799

Douglas B. Moylan  
Office of the Attorney General  
Administration Division  
590 S Marine Corps Dr, Suite 902  
Tamuning, GU 93376

Edward Manibusan  
Office of the Attorney General  
Administration Building  
P.O. Box 10007  
Saipan, MP 88043

Domingo Emanuelli Hernández  
Dpto. de Justicia de Puerto Rico  
Calle Teniente César González 677  
Esq. Ave. Jesús T. Piñero  
San Juan, PR 00918

Ian Clement  
Office of the Attorney General  
3438 Kronprindsens Gade  
GERS Building 2nd Fl  
St. Thomas, VI -04947

Leonito Bacalando, Jr.  
Department of Justice  
P.O. Box PS-105  
Palikir  
Pohnpei State, FM 96941

Richard Hickson, Attorney General  
C/O Marshall Islands Embassy  
2433 Massachusetts Ave NW  
Washington, DC 20008

Ernestine K. Rengiil  
Office of the Attorney General  
P.O. Box 1365  
Koror, PW 96940

# Exhibit B



FedEx® Tracking



Search products from your favorite brands all in one place.


















SHOP NOW

## Summary Tracking Results

TRACKING ID	SHIP DATE	SHIPPER CITY, STATE	RECIPIENT CITY, STATE	STATUS	DELIVERED DATE	SCHEDULED DELIVERY DATE	SERVICE
776312913960	5/10/24	SEATTLE, WA	Washington, DC	✓ Delivered	5/13/24 9:19 AM		FedEx Express
776312943643	5/10/24	SEATTLE, WA	Anchorage, AK	✓ Delivered	5/13/24 9:33 AM		FedEx Express
776312942187	5/10/24	SEATTLE, WA	Montgomery, AL	✓ Delivered	5/13/24 10:24 AM		FedEx Express
776312942246	5/10/24	SEATTLE, WA	Little Rock, AR	✓ Delivered	5/13/24 9:28 AM		FedEx Express
776312874146	5/10/24	SEATTLE, WA	Phoenix, AZ	✓ Delivered	5/13/24 9:53 AM		FedEx Express
776312842920	5/10/24	SEATTLE, WA	San Francisco, CA	✓ Delivered	5/13/24 11:53 AM		FedEx Express
776312940942	5/10/24	SEATTLE, WA	Denver, CO	✓ Delivered	5/14/24 12:39 PM		FedEx Express
776312942280	5/10/24	SEATTLE, WA	Hartford, CT	✓ Delivered	5/13/24 9:20 AM		FedEx Express
776312805867	5/10/24	SEATTLE, WA	Washington, DC	✓ Delivered	5/13/24 12:44 PM		FedEx Express
776312873584	5/10/24	SEATTLE, WA	Wilmington, DE	✓ Delivered	5/13/24 9:08 AM		FedEx Express
776312804676	5/10/24	SEATTLE, WA	Tallahassee, FL	✓ Delivered	5/13/24 9:40 AM		FedEx Express
776312844018	5/10/24	SEATTLE, WA	Atlanta, GA	✓ Delivered	5/13/24 9:29 AM		FedEx Express



776313049481	5/10/24	SEATTLE, WA	HONOLULU, HI	 <b>Delivered</b>	5/13/24 11:29 AM	FedEx Express
776312806061	5/10/24	SEATTLE, WA	Des Moines, IA	 <b>Delivered</b>	5/13/24 9:58 AM	FedEx Express
776312941088	5/10/24	SEATTLE, WA	Boise, ID	 <b>Delivered</b>	5/13/24 9:49 AM	FedEx Express
776312912210	5/10/24	SEATTLE, WA	Chicago, IL	 <b>Delivered</b>	5/13/24 10:24 AM	FedEx Express
776312943540	5/10/24	SEATTLE, WA	Indianapolis, IN	 <b>Delivered</b>	5/13/24 10:13 AM	FedEx Express
776312874352	5/10/24	SEATTLE, WA	Topeka, KS	 <b>Delivered</b>	5/13/24 9:52 AM	FedEx Express
776312941310	5/10/24	SEATTLE, WA	Frankfort, KY	 <b>Delivered</b>	5/13/24 10:51 AM	FedEx Express
776312912596	5/10/24	SEATTLE, WA	Baton Rouge, LA	 <b>Delivered</b>	5/13/24 10:27 AM	FedEx Express
776312842872	5/10/24	SEATTLE, WA	Boston, MA	 <b>Delivered</b>	5/13/24 9:28 AM	FedEx Express
776312804757	5/10/24	SEATTLE, WA	Baltimore, MD	 <b>Delivered</b>	5/13/24 8:53 AM	FedEx Express
776312803246	5/10/24	SEATTLE, WA	Augusta, ME	 <b>Delivered</b>	5/13/24 9:34 AM	FedEx Express
776312843490	5/10/24	SEATTLE, WA	Lansing, MI	 <b>Delivered</b>	5/13/24 10:32 AM	FedEx Express
776312873231	5/10/24	SEATTLE, WA	St. Paul, MN	 <b>Delivered</b>	5/13/24 8:57 AM	FedEx Express
776312804698	5/10/24	SEATTLE, WA	Jefferson City, MO	 <b>Delivered</b>	5/13/24 8:44 AM	FedEx Express
776312912839	5/10/24	SEATTLE, WA	Jackson, MS	 <b>Delivered</b>	5/13/24 3:50 PM	FedEx Express



FedEx® Tracking



Search products from your favorite brands all in one place.



SHOP NOW

## Summary Tracking Results

TRACKING ID	SHIP DATE	SHIPPER CITY, STATE	RECIPIENT CITY, STATE	STATUS	DELIVERED DATE	SCHEDULED DELIVERY DATE	SERVICE
776312805341	5/10/24	SEATTLE, WA	Helena, MT	✓ Delivered	5/13/24 9:17 AM		FedEx Express
776312873665	5/10/24	SEATTLE, WA	Raleigh, NC	✓ Delivered	5/13/24 8:45 AM		FedEx Express
776312844544	5/10/24	SEATTLE, WA	Bismarck, ND	✓ Delivered	5/13/24 10:06 AM		FedEx Express
776312914555	5/10/24	SEATTLE, WA	Lincoln, NE	✓ Delivered	5/13/24 8:17 AM		FedEx Express
776312872740	5/10/24	SEATTLE, WA	Concord, NH	✓ Delivered	5/13/24 9:42 AM		FedEx Express
776312913375	5/10/24	SEATTLE, WA	Trenton, NJ	✓ Delivered	5/13/24 8:34 AM		FedEx Express
776312942095	5/10/24	SEATTLE, WA	Santa Fe, NM	✓ Delivered	5/13/24 9:27 AM		FedEx Express
776312804047	5/10/24	SEATTLE, WA	Carson City, NV	✓ Delivered	5/13/24 9:08 AM		FedEx Express
776312842806	5/10/24	SEATTLE, WA	New York, NY	✓ Delivered	5/13/24 8:44 AM		FedEx Express
776312844051	5/10/24	SEATTLE, WA	Columbus, OH	✓ Delivered	5/13/24 10:24 AM		FedEx Express
776312871640	5/10/24	SEATTLE, WA	Oklahoma City, OK	✓ Delivered	5/13/24 10:09 AM		FedEx Express
776312845518	5/10/24	SEATTLE, WA	Salem, OR	✓ Delivered	5/13/24 8:42 AM		FedEx Express



776312914430	5/10/24	SEATTLE, WA	Harrisburg, PA	✓ Delivered	5/13/24 9:53 AM	FedEx Express
776312915724	5/10/24	SEATTLE, WA	Providence, RI	✓ Delivered	5/13/24 9:32 AM	FedEx Express
776312803073	5/10/24	SEATTLE, WA	Columbia, SC	✓ Delivered	5/13/24 9:26 AM	FedEx Express
776312913169	5/10/24	SEATTLE, WA	Pierre, SD	✓ Delivered	5/13/24 8:54 AM	FedEx Express
776312872750	5/10/24	SEATTLE, WA	Nashville, TN	✓ Delivered	5/13/24 9:19 AM	FedEx Express
776312873713	5/10/24	SEATTLE, WA	Austin, TX	✓ Delivered	5/13/24 10:20 AM	FedEx Express
776312942603	5/10/24	SEATTLE, WA	Salt Lake City, UT	✓ Delivered	5/13/24 9:54 AM	FedEx Express
776312872522	5/10/24	SEATTLE, WA	Richmond, VA	✓ Delivered	5/13/24 10:26 AM	FedEx Express
776312843993	5/10/24	SEATTLE, WA	Montpelier, VT	✓ Delivered	5/13/24 8:36 AM	FedEx Express
776312805731	5/10/24	SEATTLE, WA	Olympia, WA	✓ Delivered	5/13/24 10:15 AM	FedEx Express
776312915334	5/10/24	SEATTLE, WA	Charleston, WV	✓ Delivered	5/13/24 9:26 AM	FedEx Express
776312842357	5/10/24	SEATTLE, WA	Cheyenne, WY	✓ Delivered	5/13/24 9:58 AM	FedEx Express
776313115979	5/10/24	SEATTLE, WA	TAMUNING	✓ Delivered	5/13/24 10:28 AM	FedEx Express
776313206510	5/10/24	SEATTLE, WA	SAIPAN DAN DAN	✓ Delivered	5/17/24 9:00 AM	FedEx Express
776313254692	5/10/24	SEATTLE, WA	SAN JUAN, PR	✓ Delivered	5/13/24 2:07 PM	FedEx Express
776313303960	5/10/24	SEATTLE, WA	ST. THOMAS	✓ Delivered	5/13/24 2:29 PM	FedEx Express





776313386110 5/10/24 SEATTLE, WA POHNPEI  **Delivered** 5/16/24 2:41 PM FedEx Express

776313434310 5/10/24 SEATTLE, WA KOROR  **Delivered** 5/16/24 3:13 PM FedEx Express

[OBTAIN PROOF OF DELIVERY](#)

**OUR COMPANY**

[About FedEx](#)  
[Our Portfolio](#)  
[Investor Relations](#)  
[Careers](#)  
[FedEx Blog](#)  
[Corporate Responsibility](#)  
[Newsroom](#)  
[Contact Us](#)

**MORE FROM FEDEX**

[FedEx Compatible](#)  
[FedEx Developer Portal](#)  
[FedEx Logistics](#)  
[ShopRunner](#)

**LANGUAGE**

 [United States](#)

**FOLLOW FEDEX**       

© FedEx 1995-2024

[Site Map](#) | [Terms of Use](#) | [Privacy & Security](#)

Tracking Number:

Remove X

9470109105156075564182

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Scheduled Delivery by

MONDAY

13

May 2024 ⓘ

by

6:00pm ⓘ

Your item has been delivered and is available at a PO Box at 9:19 am on May 11, 2024 in MADISON, WI 53707.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, PO Box

MADISON, WI 53707

May 11, 2024, 9:19 am

See All Tracking History

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



Proof of Delivery



USPS Tracking Plus®



# USPS Tracking<sup>®</sup>

FAQs >

Tracking Number:

Remove X

9470109105156572997360

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Scheduled Delivery by

MONDAY

13

May 2024 ⓘ

by

6:00pm ⓘ

Your item has been delivered and is available at a PO Box at 4:40 am on May 14, 2024 in PAGO PAGO, AS 96799.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus<sup>®</sup>

Delivered

Delivered, PO Box

PAGO PAGO, AS 96799

May 14, 2024, 4:40 am

See All Tracking History

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



Proof of Delivery



USPS Tracking Plus<sup>®</sup>



Tracking Number:

Remove X

9470109105156572995991

Copy      Add to Informed Delivery (<https://informedelivery.usps.com/>)

Scheduled Delivery by

SUNDAY

12 May 2024 ⓘ by 6:00pm ⓘ

Your item was delivered in or at the mailbox at 11:24 am on May 13, 2024 in WASHINGTON, DC 20008.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus<sup>®</sup>

Delivered

Delivered, In/At Mailbox

WASHINGTON, DC 20008

May 13, 2024, 11:24 am

See All Tracking History

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



Proof of Delivery



USPS Tracking Plus<sup>®</sup>

